
**Sunset Review: Evaluation of the
State Board of Certified Interior Designers**

Department of Legislative Services
Office of Policy Analysis

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DEPARTMENT OF LEGISLATIVE SERVICES *recommendation states*
OFFICE OF THE EXECUTIVE DIRECTOR
MARYLAND GENERAL ASSEMBLY

October 31, 2002

Karl S. Aro
Executive Director

The Honorable Thomas V. Mike Miller, Jr.
The Honorable Casper R. Taylor, Jr.
Honorable Members of the General Assembly

Ladies and Gentlemen:

The Department of Legislative Services (DLS) has completed its evaluation of the State Board of Certified Interior Designers as required by the Maryland Program Evaluation Act. This evaluation process is more commonly known as sunset review because the agencies subject to evaluation are usually subject to termination; typically, legislative action must be taken to reauthorize them. This report was prepared to assist the Senate Education, Health, and Environmental Affairs Committee and House Economic Matters Committee, the committees designated to review the board, in making recommendations to the General Assembly. The board is scheduled to terminate on July 1, 2004.

that The purpose of regulating professionals by State boards is to protect the health, safety, and welfare of the public from the unregulated practice of a profession. DLS finds that the regulation of certified interior designers is not needed to assure these protections, as the interior design services offered by certified interior designers present no risk of serious injury or financial harm to the public. Therefore, DLS recommends that the General Assembly repeal the board and any reference to it while providing for the phase out of certification for current certificate holders. However, should the General Assembly choose to continue protecting the title "certified interior designer," we make a series of alternative recommendations to improve the board's operations and structure. Two pieces of draft legislation are included as an appendix to this report: one to terminate the board, and the other to implement alternative statutory changes.

We would like to acknowledge the cooperation and assistance provided by the board members and staff throughout the review process. The board was provided a draft copy of the report for factual review and comment prior to its publication, and the board's written comments are included as an appendix to this report.

Sincerely,

Karl S. Aro
Executive Director

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Executive Summary

Pursuant to the Maryland Evaluation Act, the Department of Legislative Services (DLS) has evaluated the State Board of Certified Interior Designers. This board, established in 1991, is undergoing evaluation for the first time. Findings and recommendations are summarized below.

Regulation of interior designers is not needed to protect the health, safety, and welfare of the public from the unregulated practice of the profession. Under current law, there are no restrictions on who may provide interior design services. Therefore, the Maryland Certified Interior Designers Act only exists to provide the professional credential of "certified interior designer" for the 288 people currently certified by the board.

Other design professionals with practice acts in Maryland are able to provide interior design and space planning services. However, these professionals are regulated because of the other services they provide. In addition, two national professional associations offer a credential that is widely recognized in the interior design industry. These associations have the ability to discipline members and provide more extensive benefits to members than the State board is able to offer certificate holders.

To date, the State board of certified interior designers has not received a single complaint about the work of a certificate holder. The board has also seen a significant downward trend in the number of individuals seeking and maintaining certification. Nearly two-thirds of the "grandfathered" certified

interior designers have not maintained their certification since it was granted to them ten years ago. More than one-half of the interior designers who became certified after the grandfathering period have not maintained their certification. Because interest in becoming certified is low, the expense of running the board for only 288 certified individuals is high as is the cost of certification.

Recommendation 1: The General Assembly should repeal the State Board of Certified Interior Designers. Any subsequent references that exist in the Maryland Annotated Code as a result of this profession being certified should also be repealed. In addition, the General Assembly should adopt legislation that allows for the phase out of certification for current certificate holders.

If the General Assembly chooses to continue protecting the title "certified interior designer," DLS recommends that the Maryland Certified Interior Design Act remain a title act. DLS offers six alternative recommendations to improve the board operations and structure.

Recommendation 2: The General Assembly should extend the termination date for the Board of Certified Interior Designers to July 1, 2014, and clarify in statute who may provide "interior design services." Additionally, uncodified language should be adopted requiring the board to report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic

Matters Committee, on or before October 1, 2003, on the implementation of the recommendations contained in this sunset evaluation report.

Two of the seven professional members of the board have served on the board since its inception. This static professional membership could make the board resistant to change. Implementing term limits would open more slots for individuals willing to serve and enhance accountability.

Recommendation 3: The General Assembly should adopt term limits for members of the board and board officers and may wish to consider adopting term limits for the other design boards as well.

The board maintains a relationship with the other four design boards through the informal Joint Chairs' Committee. The chairmen of the five design boards began meeting five years ago on a quarterly basis to discuss matters of importance, particularly issues of overlapping scopes of practice. Without codification, there is no assurance that this informal committee will continue to meet once there is a change in leadership in one or more of the five design boards.

Recommendation 4: The General Assembly should make statutory changes that require the chairmen of the five design boards to meet at least annually to discuss matters of importance to the design professions.

The board does not conduct public outreach concerning the services offered by certified interior designers. Members of the public do not recognize the distinction between the titles used by members of the interior design profession and may find these

titles to be confusing when attempting to make decisions regarding design and planning services. Moreover, there is no accredited interior design program in Maryland, making the pool of individuals eligible for certification small.

Recommendation 5: The General Assembly should require the board to establish a program to provide information regarding interior design programs to registrants, applicants, building officials, schools of interior design, and the general public. This should be achieved through improvements and additions to the board's existing web site and in the development of promotional materials that are made available to the public upon request. The General Assembly should also make a statutory change to require the Department of Labor, Licensing, and Regulation (DLLR) to prepare a joint newsletter for all five design boards that is published semi-annually on the DLLR web site.

Fees for certified interim designers are high compared to those for other design professionals. Even so, the board's revenues do not cover all costs attributed to it – despite a statutory requirement to do so. If the board were special funded, it would have to generate sufficient revenues to cover its costs. The General Assembly has considered legislation granting special fund status to all of the occupational and professional licensing boards within DLLR. Clustering the five design boards could allow fees for the design professionals to be normalized. A pilot project of special funding could be implemented rather than full implementation of special fund status for all of the occupational and professional licensing boards.

Recommendation 6: The General Assembly should require DLLR to establish a pilot project to be implemented that requires the five design boards to be special funded after DLLR has demonstrated to the budget committees and the Legislative Auditor that its allocation of direct costs is accurate and complete for these boards. Additionally, the five design boards should be required to report annually to the General Assembly on the status of the implementation of the special fund pilot project.

DLS found lapses in the board's record keeping with regard to continuing education courses and the total number of individuals certified in Maryland at any time. The board needs to keep better records, especially if it becomes special funded.

Recommendation 7: The board should improve its record keeping related to the number of regulated interior designers.

Chapter 1. Introduction

Regulation of Interior Design Professionals

The U.S. Bureau of Labor Statistics (BLS) defines the work of interior designers to include the planning and furnishing of “interiors of private homes, public buildings, and business or institutional facilities.” According to BLS, in 2000 there were 30,800 interior designers in the United States. Interior designers may specialize in a particular field, style, or phase of interior design. The BLS definition of interior designer is broad enough to encompass the services provided by interior designers who are regulated by state boards, interior designers who are not subject to regulation, and interior decorators. However, the BLS definition specifically excludes “merchandise displayers and window trimmers.”¹ It further excludes other design professionals such as architects, landscape architects, and engineers because these other professions have their own BLS definition due to a broader scope of practice. In the case of architects, the BLS definition encompasses the services provided by interior designers.

Currently, 21 jurisdictions within the United States regulate certain aspects of the practice of interior design² (see **Appendix 1**), but all states and the District of Columbia regulate the practice of architecture. The boards which regulate interior designers, including Maryland’s Board of Certified Interior Designers, are members of the National Council of Interior Design Qualification (NCIDQ). This national organization creates and administers the national uniform examination as well as cooperates in dialogue and consensus building regarding regulatory issues. Each member state defines its own parameters regarding title use and professional practice. Sixteen states, including Maryland, have “title acts” which provide an interior designer meeting certain requirements with a professional title. Five states have “practice acts,” limiting the performance of certain design services to licensed interior designers and other qualified design professionals, and regulating the scope of their work practices.

By definition, a title act gives individuals who meet certain minimum criteria the right to call themselves whatever they decide they want to be called. In Maryland, the title is “certified interior designer” (CID). A title act contains a statutorily defined scope of work that includes examples of the types of services provided by members using the protected title. However, a title act does not preclude other individuals from performing the same services as long as they do not use the protected title to describe themselves or their work. A practice act, on the other hand, protects the public from a direct threat to health, safety, and welfare resulting from the unregulated practice of a profession. A

¹U.S. Bureau of Labor Statistics. “Occupational Outlook Handbook: Interior Designers.” 2002-03 *Career Guide to Industries*, <http://www.bls.gov/oco/pdf/ocos090.pdf>.

²Two additional states – Kentucky and New Jersey – enacted legislation in 2002 authorizing regulation of interior designers through title acts, but regulation has not yet been implemented in these states.

practice act defines activities that require specialized education, training, and examination before an individual is granted the right to perform those activities and limits the ability to perform those activities to those granted licensure or certification under that act. Finally, a practice act contains a statutorily defined scope of practice that describes the work of the regulated profession and includes examples of the projects within that profession's scope of practice. Individuals granted rights under a practice act must satisfy statutorily defined criteria, and unlicensed or noncertified individuals would be in violation of the practice act if they performed the duties of a licensed individual.

The Design Continuum – Who and What Is Regulated

With the recent popularity of design television programs, design concepts and space planning in the home environment are receiving increased attention by the public. These television programs generate questions by viewers about the various categories of design services available in the marketplace and the types of individuals who offer those services. Within the design professions, a broad spectrum of services is available ranging from building design and construction to furniture selection and placement in both private homes and commercial settings. Individuals offering design services may include regulated professionals such as architects, professional engineers, landscape architects, professional land surveyors, and certified interior designers, as well as unregulated professionals such as drafters, landscapers, interior designers, and interior decorators. Because of the multitude of design services available, issues of overlap are encountered when work functions are performed by more than one profession. This overlap exists between members of both the regulated and the unregulated design professions.

Professional engineers and architects have overlapping areas of practice in the design of buildings and structures. Most engineering licensing statutes include a provision specifically identifying the design of buildings and structures as normal and permissible areas of practice for licensed professional engineers. Architectural licensing statutes also contain a provision permitting architects to provide building design services.³ Because state laws permit both licensed professional engineers and architects to perform essentially the same building and structural design services, overlap between the two professions has been unavoidable.

Architects and interior designers also face overlap issues, which has led the two professions to debate whether certain interior design services are included in the practice of architecture. Although architects have a greater knowledge of structural design, both architects and interior designers offer services that require an understanding of:

- fire and life safety principles, including compartmentation (fire separations), movement (stairways, corridors, exits), detection (smoke/heat detectors and alarm systems), and suppression (sprinklers);

³According to the counsel for the design boards in Maryland, in most states, including Maryland, only architects are allowed to design buildings or structures for public occupancy use.

- the impact on health and welfare on indoor air quality, sanitation, acoustics and sound transmission, and lighting quantity and quality;
- flame spread ratings, smoke, toxicity, and fire rating classifications and materials;
- space planning for public and private facilities;
- federal, state, and local building codes;
- standards regarding the needs of disabled or elderly persons and other special needs groups;
- working drawings and specifications for the location or removal of nonload-bearing interior construction, materials, finishes, space planning, furnishings, fixtures, and equipment;
- collaboration with other licensed practitioners in the technical areas of mechanical, electrical, and load-bearing design as required for regulatory approval; and
- preparation and administration of bids and contract documents.

Since the 1980s when interior designers began lobbying for laws regulating the interior design profession, architects, interior designers, and the states regulating these professionals have questioned how far an interior designer can go in planning the interior of a building. While interior designers focus on and specialize in the planning of the interior elements of a building's design, some architects view this type of planning as permitting interior designers to practice "a little bit of architecture without a comprehensive knowledge of building systems or the need to meet the rigid standards required of an architect."⁴ Those who support this argument believe that designing interior elements of a building requires a broad range of architectural skills, including knowledge of structural, mechanical, and electrical design and that only architects are educated, trained, and examined for those skills.

Issues of overlap also exist between regulated and unregulated interior designers and interior decorators. Interior designers create a "design concept" with plans and materials in mind, and may be involved in facilitating the purchase and installation of furnishings and finishes. The work of an interior designer is best described as space planning. The term "interior design" is often interpreted rather loosely, and many who regard themselves as interior designers are characterized as interior decorators by

⁴*An Address on Interior Design Legislation* by Joseph P. Giattina, Jr., FAIA, President of the National Council of Architectural Registration Boards (NCARB), at the NCARB Annual Meeting, June 14, 2000.

regulated interior designers. Interior decorators advise customers on the choice of items needed to complete a design concept. This may mean suggesting color schemes, matching wallpaper and curtains, sketching plans for room decoration, or advising on suitable fabrics for specific furnishing purposes. The services offered by an interior decorator could include space planning. In addition, the services offered by an interior decorator may also be offered by both regulated and unregulated interior designers and vice versa.

The difference between an interior designer and an interior decorator may simply be in what the individual calls the services provided. However, the public and the design profession generally perceive interior decorators as providing a more limited range of services. The regulation of interior designers has not substantially altered the services provided, but it has afforded individuals meeting certain experience, education, and examination standards to have a credential issued by state boards with title acts. Twenty-one jurisdictions regulate interior designers. Interior decorators are not regulated by any state, although Florida defines the term interior decorating services.

The overlap between architects, regulated and unregulated interior designers, and interior decorators is depicted in **Exhibit 1.1**. As shown in **Exhibit 1.1**, architects provide the widest range of services, but some services offered by architects may also be provided by other design professions. For example, among the design professions depicted, only architects can move load-bearing walls whereas all four can move nonload-bearing walls in certain circumstances. Architects are required to be licensed because of the other services they provide not because they also happen to provide interior design services.

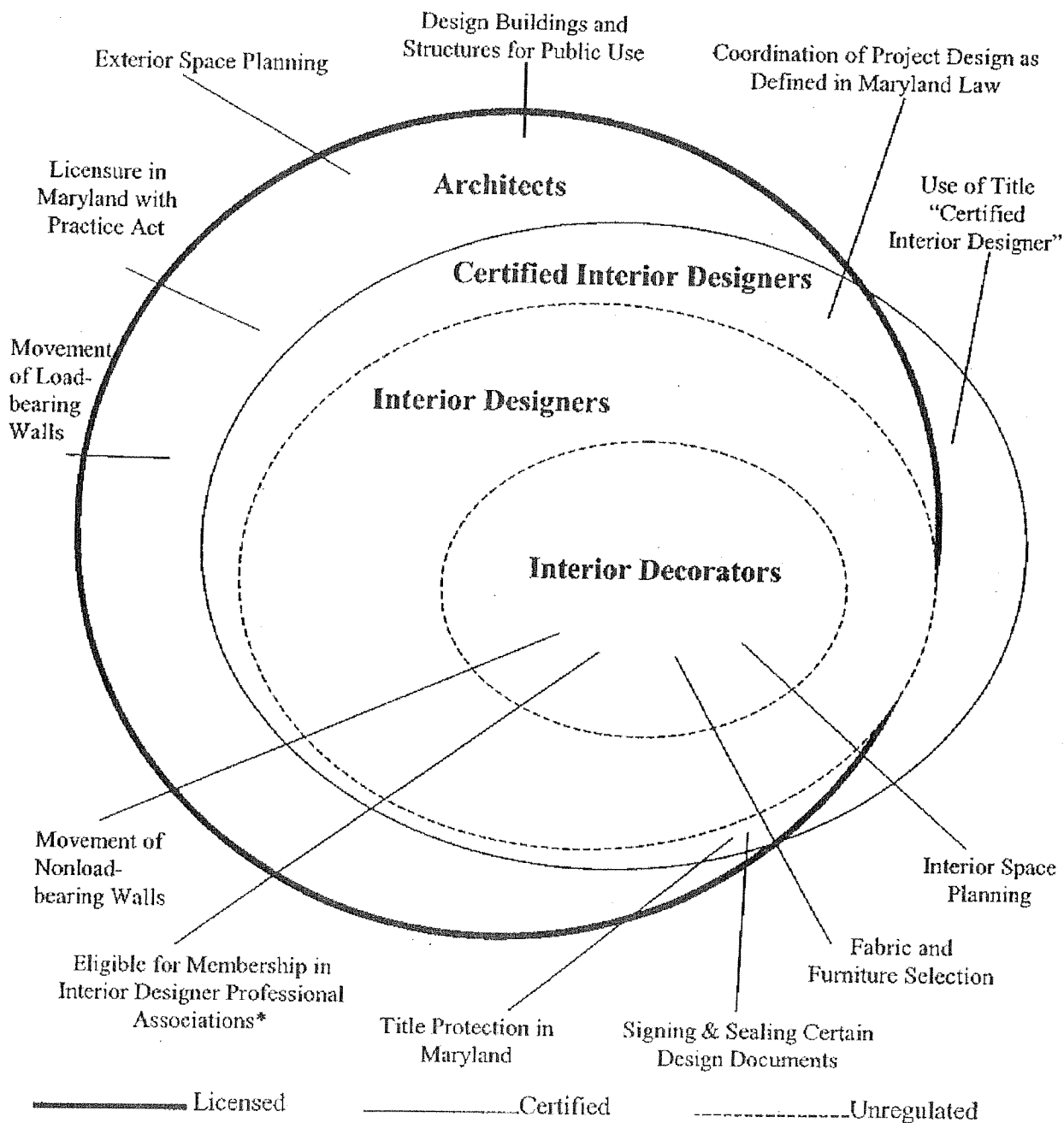
Professional Associations Are Defacto Regulators of Interior Design

Although there is no national certification for interior designers, two primary professional associations for interior designers offer a credential often used by individuals offering interior design services. The American Society of Interior Designers (ASID) is a nonprofit professional organization for interior designers that promotes professionalism in residential and commercial interior design services. Of the society's 20,000 practicing interior designers, 6,500 practice in the commercial field, with 4,000 practicing primarily as residential designers. The remaining 9,500 work in both commercial and residential design. The association has 48 chapters throughout the United States and more than 450 international members. The ASID was founded in 1975 with the consolidation of the American Institute of Decorators and the National Society of Interior Designers.

Exhibit 1.2 depicts the levels of membership in the ASID and the cost for each membership level.

Exhibit 1.1

Comparison of Regulation and Services of Certain Design Professionals



*Any individual meeting the education, examination, and experience requirements is eligible for membership in ASID or IIDA; in addition, professional members of ASID may sign and seal documents (see Appendix 2).

Note: Interior decorators are not defined or addressed in statute.

Source: Department of Legislative Services

Exhibit 1.2 ASID Levels of Membership

<u>Membership Level</u>	<u>Qualifications</u>	<u>Yearly Fee</u>
Professional	Must have a six-year combination of accredited design education and/or full-time work experience and passage of the National Council for Interior Design Qualification (NCIDQ) exam*	\$395
Allied	Must have either: (1) a four- or five-year bachelor's degree with a major in interior design or architecture; (2) a two- or three-year degree or certificate in interior design; or (3) six years full-time work in interior design or architecture	1st/2nd year – \$225 3rd year – \$290 4th year – \$340 5th year – \$395
Affiliate	Must engage in related design activities or are members of the press (affiliate members cannot participate in the practice of interior design or decorating)	\$235
Industry Partner	Must be a company involved in interior design services	Category 1: provides membership for 49 company representatives regardless of company's annual sales – \$4,599 Category 2: provides membership for 4 company representatives for companies with annual sales greater than \$5,000,000 – \$2,099 Category 3: provides membership for 3 company representatives for companies with annual sales of \$1,000,000 to \$4,999,999 – \$999 Category 4: provides membership for 2 company representatives for companies with annual sales of \$200,000 to \$999,999 – \$599 Category 5: provides membership for 1 company representative for a company with annual sales of \$199,999 or less – \$299
Student	Available to students enrolled in an interior design program where an ASID student chapter exists	\$35

*The ASID professional membership education and experience requirements are the same as the requirements to sit for the NCIDQ exam.

Source: American Society of Interior Designers web site at <http://www.asid.org>

The International Interior Design Association (IIDA) is a professional networking and educational association of more than 10,000 members in eight specialty forums, nine regions, and more than 30 chapters around the world. The IIDA was founded in 1994, as the result of a merger of the Institute of Business Designers, the International Society of Interior Designers, and the Council of Federal Interior Designers. **Exhibit 1.3** depicts the levels of membership in the IIDA and the cost for each membership level.

The ASID and IIDA explored the possibility of combining the two associations into one organization to represent the interior design profession; however, disagreement between the two associations on several structural and cultural issues curtailed further attempts at a merger. Nevertheless, the ASID and the IIDA continue to collaborate on issues affecting the design profession. The standards for interior design certification in Maryland, discussed in greater detail in **Chapter 2**, mirror the professional membership standards for both the ASID and the IIDA.

Interior designers who belong to these two professional associations use this membership as a credential both within the profession and when working with members of the public. The ASID web site contains information on the proper use of the ASID appellation by its members. For example, the appellation for professional members and the designations for other members may be used only in conjunction with the member's own name. In addition, the ASID offers a professional member seal as "an effective way of demonstrating to those who read authorized drawings, specifications, and other design documents that one has earned the most respected credentials in the profession."⁵ The ASID seal is valid for two years and costs \$50.

Regulation in Maryland

The interior design board is one of five design boards, along with architects, landscape architects, professional engineers, and professional land surveyors, housed within the Division of Occupational and Professional Licensing in the Department of Labor, Licensing, and Regulation (DLLR). Chapter 663, Acts of 1991 (the Maryland Certified Interior Designers Act) established the State Board of Certified Interior Designers under the jurisdiction of DLLR. The Maryland Certified Interior Designers Act only applies to interior designers who use the title "certified interior designer." The Act does not apply to licensed architects, interior designers who are not regulated by the State board, or interior decorators. Each interior design document created by a certified interior designer must contain a statement that the document is not an architectural or engineering drawing, specification, or design and is not to be used for construction of any load-bearing column, load-bearing framing, or load-bearing wall or structure.⁶ A design

⁵ASID web site at http://www.asid.org/about_asid/products_services/seal.asp.

⁶Section 8-401 of the Business Occupations and Professions Article, Maryland Annotated Code.

Exhibit 1.3 IIDA Levels of Membership

<u>Membership Level</u>	<u>Qualifications</u>	<u>Yearly Fee</u>
Professional	Must fulfill the IIDA requirements for education, examination, and experience*	\$405
Associate	Must meet the education requirements for the NCIDQ but has not passed the NCIDQ	First two years – \$220 Three to five years – \$340 Six or more years – \$405
Affiliate	Must represent related design disciplines such as landscape design or graphic design	\$405
Student	Must be a student enrolled either full or part time in a post-secondary interior design or related education program	\$40
Industry	Must be a corporation, individual, or supplier of interior design services and goods	Company with: 1 or 2 individuals – \$305 3 or 4 individuals – \$750 5 to 29 individuals – \$3,000 30 or more individuals – \$6,000
Media	Must be an individual or organization that reports on interior design matters	\$50
Professional by Invitation	Must be an individual with a minimum of 15 years experience in interior design	No Fee
International At-Large	Must be an individual whose citizenship, professional education, practice, or residence is outside of the geographical area of an existing IIDA chapter	\$170
Dual	Must be a national or regional interior design association existing outside the United States	Professional – \$100 Associate – \$80
Design Firm	Must be a member whose primary business is interior design	One office – \$500 Two offices – \$900 Three offices – \$1,400 Four offices – \$1,800 Five or more offices – \$2,400

*The IIDA requires a practicing interior design professional to have passed the NCIDQ exam. The IIDA professional membership education and experience requirements are the same as the requirements to sit for the NCIDQ exam. Architects are required to have proof of either state architectural registration or documentation of successful completion of the National Council of Architectural Registration Boards (NCARB) exam and documentation of a minimum six years practice experience in interior design beyond those areas tested by the NCARB exam.

Source: International Interior Design Association web site at <http://www.iida.org>

document created by an interior designer who is not certified or an interior decorator does not have to contain such a statement.

The Sunset Review Process

The Maryland Program Evaluation Act, § 8-401 *et seq.* of the State Government Article, provides for a system of periodic legislative review of the regulatory, licensing, and other governmental activities of various units of State government. The Act is informally referred to as the "sunset law" and the associated review process as "sunset review" or "sunset evaluation" because governmental units subject to the Act are usually scheduled to terminate unless affirmatively reestablished by the General Assembly. The goal of the sunset review process is to promote accountability in government operations.

The State Board of Certified Interior Designers is one of 69 entities currently subject to evaluation. A preliminary evaluation of the board conducted in 2001 recommended a full evaluation to evaluate whether a regulated interior design profession is needed to maintain and protect public health, safety, and welfare. This is the board's first full evaluation.

This evaluation was undertaken to provide the General Assembly with additional information in making the determination about whether to reauthorize the board and for what period of time. Recommendations related to the board are made in **Chapter 3**.

The board reviewed a draft of this report and provided the written comments attached as **Appendix 7**. Appropriate factual corrections and clarifications have been made throughout the document.

Research Activities

To complete this evaluation, staff of the Department of Legislative Services (DLS) engaged in several research activities, including:

- reviewing the State statute and regulations regarding the interior design profession;
- interviewing board staff and all board members;
- surveying other states that regulate the interior design profession;
- surveying county building code officials to determine their policies and procedures for issuing permits to design professionals;

- attending two board meetings;
- reviewing board meeting minutes;
- visiting the board's offices to analyze administrative processes and procedures;
- reviewing blueprints and other design documents of an interior design firm to develop an understanding of the scope of work of certified interior designers;
- analyzing license, financial, and complaint data;
- interviewing trade industry representatives; and
- conducting general research on the interior design profession.

Report Organization

This chapter provides an overview of the regulation of the profession of interior design both nationwide and in Maryland, a summary of the sunset review process, and a list of the research activities undertaken to complete this evaluation. **Chapter 2** describes the board structure, board resources, various regulatory duties performed by the board, and the funding of the board. Finally, **Chapter 3** details conclusions and recommendations. **Appendix 1** depicts a chart of relevant information on the jurisdictions within the United States that regulate interior designers. **Appendix 2** contains the ASID professional member seal order form as downloaded from the association's web site on October 25, 2002. **Appendix 3** contains a roster of the current board membership. **Appendix 4** contains a list of building permit issuance practices in county governments in Maryland. **Appendix 5** lists the board-approved continuing education courses as shown on the board's web site on October 25, 2002. Draft legislation to enact all statutory changes is included as **Appendix 6**. **Appendix 7** contains written comments to this sunset evaluation as provided by the board.

Chapter 2. The State Board of Certified Interior Designers

Regulation of Design Professionals in Maryland

The Division of Occupational and Professional Licensing within the Department of Labor, Licensing, and Regulation (DLLR) works with 21 different boards and commissions to license, regulate, and monitor a wide variety of professions and trades.

There are five design boards at DLLR. Four of the five design professions have statutorily defined scopes of practice. These four boards (architects, professional engineers, landscape architects, and professional land surveyors) were created to protect the health, safety, and welfare of the public by ensuring that Maryland residents are served by design professionals who have demonstrated their competence and qualifications to provide such services, and are therefore eligible to be licensed as their specific profession is defined in statute. More importantly, however, the practice of these design trades is limited to only those possessing the qualifications to be granted a license by the State. The State Board of Architects, the State Board for Professional Engineers, the State Board of Examiners of Landscape Architects, and the State Board for Professional Land Surveyors have statutory authority to prosecute individuals or firms offering services without a license from the appropriate State board.

The history of regulating these professionals through the establishment of the four design boards with specific areas of practice started with the creation of the State Board of Architects in 1935. Engineers and land surveyors have been regulated since 1939 – initially by the State Board of Registration for Professional Engineers and Land Surveyors; four decades later the Board for Professional Engineers and the Board for Professional Land Surveyors were established. In 1971 the Board of Examiners of Landscape Architects was established.

The State Board of Certified Interior Designers was established in 1991. Bills that would have established a system for licensure of interior designers were introduced in the General Assembly during the 1988, 1989, and 1990 legislative sessions. The success of the 1991 legislation is due in part to the support of the American Institute of Architects (AIA) for the creation of a title act for certified interior designers and a collaboration between the two professions on key elements of the Maryland Certified Interior Designers Act.

In a letter of advice dated December 10, 1990, the Office of the Attorney General opined that the preparation of design plans involving any significant movement of nonload-bearing walls constitutes the practice of architecture. In response to this issue, the architects supported an amendment to their law that specified that the Maryland Architects Act “does not limit the right of . . . an interior designer certified under Title

8.5⁷ to provide services related to the location or removal of nonload-bearing interior construction which is not constructed as an integral part of the mechanical, electrical, or structural systems.”⁸ This change authorized certified interior designers to engage in interior design services although those services are also comprehended by the definition of “practice architecture.”⁹ The AIA apparently supported the change to the Maryland Architects Act because the AIA did not perceive it as detrimental to the business practices of architects and architecture firms.

Although architects accepted a change to their practice act, the collaboration between the architects and interior designers largely was due to the limited scope of the title act legislation for interior designers. In a position paper in support of the 1991 legislation, the AIA supported the interior designers’ title act because it did not impact the health, safety, and welfare of Marylanders, and it provided only a credential by offering “public recognition . . . by [granting certification to] those interior designers who have, through education and experience achieved a certain amount of professional status.”¹⁰ The legislative history reveals what the architects noted then and what continues to be the case today – the title act provides little more than a professional credential.

Structure of the State Board of Certified Interior Designers

The board consists of seven members appointed by the Governor with the advice of the Secretary of Labor, Licensing, and Regulation and the advice and consent of the Senate. Five members must be certified interior designers who have practiced in the field for at least five years immediately prior to appointment; one must be a licensed architect who provides interior design services and who has practiced as an architect for at least five years immediately prior to appointment; and one must be a consumer who is not subject to regulation by the board. Appointments for vacant seats have been made quickly, exemplified by a recent vacancy resulting from the resignation of a certified interior designer member in June 2002. By the September 2002 meeting of the board, the vacancy was filled by a new certified interior designer member. The board meets every other month. Board members serve three-year staggered terms without monetary

⁷In 1994 the Certified Interior Designers Act was recodified under Title 8 of the Business Occupations and Professions Article.

⁸Chapter 663, Acts of 1991. Section 3-103(c)(3) of the Business Occupations and Professions Article provides that “this title does not limit the right of . . . a certified interior designer to provide interior design services as that term is defined in Title 8 of this article.”

⁹Letter dated January 2, 1991, from the Office of the Attorney General to Allan M. Shaivitz.

¹⁰Position paper of the AIA in support of House Bill 734 (Chapter 663, Acts of 1991).

compensation. There are no term limits for board members, and two of the current members, including the board chairman, have been reappointed for successive terms since the board was established.¹¹ A list of board members is provided in **Appendix 3**.

Relationship with Other Design Boards

The board maintains a relationship with the other four design boards through the informal Joint Chairs' Committee. The chairmen of the five design boards began meeting five years ago on a quarterly basis to discuss matters of importance, particularly issues of overlapping scopes of practice. According to board members, the committee has been successful in developing a consensus among the design boards; they point to the passage of legislation addressing the scope of practice act for design professionals as an example of this cooperation (Chapter 193, Acts of 2001).

In the 2000 preliminary evaluations of the State Board of Architects and the State Board of Examiners of Landscape Architects, the Department of Legislative Services (DLS) recommended that each board submit a follow-up report to the Legislative Policy Committee by October 1, 2001, addressing, among other issues, plans to formalize the Joint Chairs' Committee. The follow-up reports of both boards stated that "formalizing or codifying the Joint Chairs' Committee would only serve to institutionalize the function and alter the spontaneity and productivity of the group."¹² However, without codification of this committee, there is no assurance that it will continue to meet once there is a change in leadership in one or more of the five design boards.

Recent Legislative Activity Gives Additional Responsibility to Certified Interior Designers

The board was established in 1991 with a termination date of July 1, 1997. However, Chapter 346, Acts of 1994 extended the termination date of the board from 1997 to 2004. As shown in **Exhibit 2.1**, other major legislative changes since the creation of the board relate to eligibility and continuing education requirements, the implementation of staggered licensing, changes to enforcement and penalty authority, the scope of practice act for design professionals, and authorization of certified interior designers to sign and seal interior design documents.

¹¹During the board meeting on September 6, 2002, the board chairman announced his resignation from the board effective December 31, 2002.

¹²*Follow-up Report to the Legislative Policy Committee* [in response to the] *Preliminary Evaluation of the State Board of Architects*, dated September 28, 2001, and the *Follow-up Report to the Legislative Policy Committee* [in response to the] *Preliminary Evaluation of the State Board of Examiners of Landscape Architects*, dated September 28, 2001.

Exhibit 2.1
Major Legislative Changes Affecting the Board

<u>Year</u>	<u>Chapter</u>	<u>Change</u>
1991	663	Established State Board of Certified Interior Designers.
1994	346	Extended the board's termination date to July 1, 2004.
1997	59	Authorized staggered licensing.
1997	670	Decreased continuing education requirements.
1998	342	Modified board's authority to deny, reprimand, suspend or revoke certification.
2001	187	Increased penalty for violation of title requirements.
2001	193	Defined "design coordination" as the review and coordination of services provided by architects, landscape architects, professional engineers, professional land surveyors, and certified interior designers and clarified the scope of practice for design professionals.
2002	383	Required certified interior designers to endorse interior design documents with a seal, signature, and date.

Source: Laws of Maryland

County Building Code Officials Control Permit Issuance

In addition to the legislation outlined above, the board considers significant the passage of Chapter 39, Acts of 2000 which adopted the International Building Code (IBC) as the model building code for the State (subject to adoption and modification by local governments). In 1999 the International Code Conference, publisher of the IBC and the umbrella organization of the Building Officials and Code Administrators International, the International Conference of Building Officials, and the Southern Building Code Conference International, Inc., held hearings concerning the IBC. A code change proposed by the American Institute of Architects would have changed the inclusive definition of "registered design professional" to limit those individuals licensed or registered to practice architecture, engineering, land surveying, landscape architecture, or geology. Although the AIA initially supported a title act in Maryland, at the national level the AIA appears to be concerned about the expanding protection being provided to regulated interior designers.

An interior design coalition comprising the International Interior Design Association (IIDA), the American Society of Interior Designers (ASID), the National Kitchen and Bath Association, and the National Council of Interior Design Qualification (NCIDQ) was successful in retaining the national IBC definition of a registered design professional as "an individual who is registered or licensed to practice their respective

design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.” Since the IBC recognizes a registered or licensed interior designer as a registered design professional, the Maryland Certified Interior Designers Act provides a title that enables certified interior designers to have professional status pursuant to the IBC. According to the International Conference of Building Officials, to date 43 states have adopted and are enforcing a version of the International Building Code either through statewide or local adoptions.

Despite the requirement that an individual be a registered design professional in order to obtain a building permit, many states that do not regulate interior designers have adopted the IBC with the definition of registered design professional. According to the IIDA, it has had only one report of problems with the IBC definition of a registered design professional in a state that has adopted the IBC and does not regulate interior designers.

In Maryland, the decision to issue a building permit rests with building code officials in local governments. Although the local governments may incorporate the IBC into their own regulations, this action is not required. The IBC establishes the standards for rehabilitation work in every area of the State without the need for local incorporation, though localities are permitted to modify the building code. According to documents prepared by the Department of Housing and Community Development (DHCD), “the State’s Building Code . . . is implemented through municipal and county code offices.”¹³

The DLS survey of county building code officials revealed that more than one-half of county governments do not issue building permits to certified interior designers under any circumstances. Conversely, only three counties – Calvert, Cecil, and Frederick – do not impose any limits on the issuance of building permits to certified interior designers. Eight county governments accept plans from certified interior designers only for residential projects and even then typically under the same limited circumstances that apply to others – for example, a certified interior designer could serve as a homeowner’s agent, provided the homeowner authorized the designer to secure the building permit. According to county building code officials, such circumstances are rare. **Appendix 4** details county government building permit issuance practices.

Based on the various practices of county governments, the decision to issue a building permit rests with local building code officials. Consequently, the adoption of the IBC with its definition of a registered design professional has had little impact at the local level in Maryland on the issuance of building permits to certified interior designers.

¹³Maryland Department of Housing and Community Development. *Maryland Building Rehabilitation Code Handbook*, 2001.

In an attempt to inform local building code officials as to which licensee/certificate holder is authorized to complete a given project, the Joint Chairs' Committee developed House Bill 88 of 2001, which was later signed into law as Chapter 187, Acts of 2001. The inclusion of the term "design coordination" allows any of the named design professionals to be coordinator of a project involving several design professionals.

The enactment of Chapter 187 represented several years of work among the five design boards. The boards had long recognized the lack of clarity in the statute in terms of who was most qualified to coordinate a project. There had been previous attempts by individual boards to submit legislation to address that board's issues with design coordination, but the view of the General Assembly had been that the boards needed to resolve the issue amongst themselves and present one unified piece of legislation. As indicated in Appendix 4, Chapter 187 has had little or no impact on whether local building code officials recognize a particular design professional as the lead designer for permitting purposes. Simply because someone is authorized by law to coordinate a design project does not mean that a local building code official must recognize that role in making building permitting decisions.

In practice, any individual participating in a design activity could perform design coordination, though it would not be recognized under the law as design coordination services. An interior decorator or noncertified interior designer could organize the input and services of other design professionals during the term of a project and secure building permits in some local governments for interior space planning involving the movement of nonload-bearing walls. The passage of the design coordination legislation might be significant if local governments only issued building permits to one of the five State regulated design professionals. However, current practice indicates that local building code officials issue permits based on the type of project that is being undertaken rather than the individual applying for the permit.

Sign and Seal Law Intended to Professionalize Practice of Interior Design

Chapter 383, Acts of 2002 requires certified interior designers to obtain a seal to endorse documents. Certified interior designers must sign, seal, and date any interior design documents submitted to clients or public authorities. The sign and seal act, as it is referred to by the members of the interior design community, requires a certified interior designer who has prepared or approved design documents to sign, seal, and date the document. In practice, this means that all documents that are presented to clients, other design professionals, and local building code officials must be signed and sealed.

By placing the seal and signature on design documents, the certified interior designer certifies that he or she has exercised professional judgment in making decisions

as to all matters contained within the documents and that he or she prepared them or directly controlled and supervised their preparation. The ability to use this seal is extended only to certified interior designers. Therefore, individuals who are not certified but perform interior design work may not use this seal. Other regulated design professionals use seals to certify their documents.

The advocates in support of the sign and seal legislation argue that the ability of the certified interior designer to sign and seal documents is important for two reasons. First, if the certified interior designer applies a seal to any document, he or she cannot later deny responsibility for any part of the work under the seal. Second, the law serves to identify certified interior designers to public officials and building departments throughout the State.

Under the Act, which went into effect on October 1, 2002, the board is authorized to reprimand a certificate holder or suspend or revoke a certificate if the certificate holder signs or seals any interior design documents after the certificate holder's certificate has expired or has been suspended or revoked. The Act does not provide additional public protection for members of the public who receive services from a noncertified individual who, by virtue of their lack of a certification, is not entitled to use the seal created under Chapter 383.

Board counsel has diligently and quickly prepared the regulations that define the responsibility of certified interior designers in the signing and sealing process. Like the sign and seal regulations for other design professionals, the regulations for the certified interior designers' seal prescribe the size and type of seal that must be used by a certified interior designer when signing and sealing a document. Industry officials and board members believe that the approval of the sign and seal legislation and regulation is another a step toward defining the professionalism of the interior design profession.

When the board informed local building code officials of the new sign and seal privilege that has been extended to certified interior designers, it received questions about the impact of this legislation. In an effort to clarify matters with local building code officials, the board has sent a letter to all local building code officials. Since each local government has different building code requirements, the board sought to inform the local building code officials of the new requirement that documents from certified interior designers be signed and sealed. In its correspondence, the board did not suggest that the local governments were required to accept these signed and sealed documents for building permit issuance, which indicates that the board is aware that the permitting process is controlled at the local level.

In a further effort to explain the statutory changes to local building code officials, board counsel and the chairman of the Board of Certified Interior Designers will make a presentation to the Maryland Municipal League in the fall of 2002 to explain the design coordination law as well as the sign and seal law. About half of the county building code officials surveyed by DLS were unaware of the sign and seal law. Most of the officials

stated that the sign and seal privilege will not affect who can be issued building permits for commercial or residential building or rehabilitation projects.

Aside from the seal that certified interior designers must use in Maryland, ASID professional members have the option of purchasing a seal that can be used on drawings, specifications, and other design documents (see **Appendix 2**). The use of the ASID professional member seal is not codified in federal, State, or local law, and like the certified interior designers' seal, the ASID professional member seal does not provide increased access to building permits. Instead, it provides an additional credential for interior designers to use in the promotion of their services in the marketplace, which is similar to the purpose of the Maryland certified interior designers' seal. In fact, the ASID notes in its promotional materials for the professional member seal that it allows interior designers to demonstrate that they have "earned the most respected credentials in the profession."¹⁴ The Maryland chapter of the ASID has also started promoting the sale of the recently developed Maryland seal to certified interior designers in the State.

The ASID professional member seal, as a professional credential, is more meaningful than the Maryland seal because it can be used in all 50 states, and its use is limited to those who have met the same education, experience, and examination requirements as currently required to attain certification in Maryland. Whereas in Maryland, 112 of the current certificate holders obtained their certification through the grandfathering process and, therefore, did not have to meet such requirements. While these certified interior designers should now be able to meet the experience requirement, it is not clear that they could satisfy the current statutory education and NCIDQ examination requirement.

Some county governments in Maryland currently accept drawings for the issuance of building permits without requiring the seal of a design professional. However, Chapter 383 does not require local building code officials to accept design plans that are signed and sealed by a certified interior designer for the purposes of issuing a building permit. The only determination to be made at the local level related to the sign and seal law is whether or not a local government accepts documents that do not contain a seal from a certified interior designer.

Implementation of Title Protection in Maryland

Maryland's Certification Requirements Mirror Requirements to Take National Exam

In Maryland, there is one category of interior designer certification. Certification is available to individuals who meet the education and experience requirements necessary to qualify and pass the NCIDQ exam or its equivalent. The board does not administer

¹⁴ASID. "ASID Professional Seal." http://www.asid.org/about_asid/products_services/seal.asp.

the NCIDQ examination. Before sitting for the NCIDQ exam, a candidate must have a combination of at least six years of education and work experience that can be met in the following three ways:

- four or five years of interior design education plus two years of full-time work experience in interior design; or
- three years of interior design education plus three years of full-time work experience in interior design; or
- two years of interior design education plus four years of full-time work experience in interior design.

NCIDQ recommends that employment be under the supervision of a full-time interior design practitioner who has met the above NCIDQ qualifications, a licensed architect, or an interior designer recognized by a state regulatory agency. However, four of the five states that have practice acts do not require that an applicant's work experience be under the supervision of a regulated interior designer. The fifth state, Alabama, requires an applicant to work under the supervision of a full-time interior design practitioner who is either NCIDQ certified, a licensed architect, or an interior designer recognized by a state regulatory agency.

The NCIDQ educational requirements are evaluated as follows:

- Five years: At least 150 semester credits (of which 90 or more are interior design related) or 225 quarter credits (of which 135 or more are interior design related).
- Four years: At least 120 semester credits (of which 60 or more are interior design related) or 180 quarter credits (of which 90 or more are interior design related).
- Three years: At least 60 semester credits or 90 quarter credits of interior design-related course work.
- Two years: At least 40 semester credits or 60 quarter credits of interior design-related course work.

There is a one-time filing fee of \$125 to take the NCIDQ exam. In addition, if all sections of the exam are taken during the same administration, the applicant pays a reduced exam fee of \$625. Otherwise, each of the three sections of the exam is priced separately.¹⁵ The three sections of the NCIDQ exam are described as follows:

¹⁵Effective January 2003, the cost of the NCIDQ examination sections will be as follows: Section I (Principles and Practices of Interior Design) \$215; Section II (Contract Development and Administration) \$175; Section III (Schematics and Design Development) \$350; all three sections taken during the same administration \$650.

- Section I: Principles and Practices of Interior Design. This is a multiple choice test consisting of 150 questions. It addresses the domains of project organization, programming, schematics, and design development. The fee for Section I is \$205;
- Section II: Contract Development and Administration. This is a multiple choice test consisting of 125 questions. It addresses the domains of contract documents and contract administration and includes questions that focus on drawings, pictures, symbols, and other formats that are typical to interior design. These questions require the candidates to recall, apply, and analyze information. The fee for Section II is \$160; and
- Section III: Schematics and Design Development. This is the practicum section of the examination. This part of the test requires candidates to apply principles of accessibility in order to interpret a design program and provide a solution.¹⁶ The fee for Section III is \$340.

An individual who is a professional member of the ASID or the IIDA and has passed the NCIDQ exam does not have to re-take the NCIDQ exam to become certified in Maryland.

The board receives data from NCIDQ regarding the pass rates of Maryland candidates as well as candidates nationwide. **Exhibit 2.2** depicts the exam activity for the two most recent exams for which data are available.

Exhibit 2.2
NCIDQ Examination Statistics – United States and Maryland

	April '02 Sec I	Oct '01 Sec I	April '02 Sec II	Oct '01 Sec II	April '02 Sec III	Oct '01 Sec III
U.S. Registered	629	679	583	648	759	766
MD Registered	10	16	9	12	11	18
U.S. Passed	463	468	468	482	468	503
MD Passed	7	9	6	7	4	9
U.S. Failed	166	211	115	166	291	263
MD Failed	3	7	3	5	7	9
U.S. Pass Rate	74%	69%	80%	74%	62%	66%
MD Pass Rate	70%	56%	67%	58%	36%	50%

Source: State Board of Certified Interior Designers

¹⁶Professional Practice for Interior Designers, Third Edition. By Christine M. Piotrowski, John Wiley & Sons Inc., 2001 at page 24.

At the September 2002 board meeting, the board reviewed the State pass rates and discussed the difficult subject matter tested by NCIDQ. The statistics for the last two exam periods show that the State pass rate for each section falls below the national pass rate. The board expressed concern over the low pass rate and discussed the fact that NCIDQ does not allow candidates who have failed the exam to review it to see which questions they answered incorrectly. The board noted that NCIDQ believes that it jeopardizes the integrity of the exam to allow any sort of review. In addition, the board stated that allowing a review would prevent NCIDQ from reusing questions on future exams.

Reciprocity Limited by Varying Standards in Other States

The board may waive the examination requirement for an individual licensed or certified as an interior designer in another state having similar requirements to Maryland provided that: (1) the individual pays the application fee; (2) the applicant's home state provides reciprocity (i.e., it waives its license/certification requirements for citizens of other states); and (3) the applicant's home state has certification or licensing requirements substantially equivalent to Maryland's. Nine states have similar education, experience, and reciprocity requirements to Maryland. The board does not keep data on how many reciprocal licenses it has issued or how many Maryland certified interior designers have received reciprocal licenses in other states.

The most common requirement of states with qualification standards that differ from Maryland's standards is the requirement that the applicant attend a school accredited by the Foundation for Interior Design Education Research (FIDER). Maryland follows the experience and education requirements of NCIDQ, which does not require that a candidate attend a FIDER-accredited school. Both the Maryland Institute College of Art (MICA) and the University of Maryland, College Park (UMCP) had been FIDER-accredited schools. However, in 1997 FIDER did not renew its accreditation of MICA, and UMCP discontinued its interior design program in the late 1980s. Currently, there is no FIDER-accredited school in Maryland. Among the surrounding states, there is one FIDER-accredited school in the District of Columbia, one in West Virginia, four each in Pennsylvania and Virginia, and no accredited schools in Delaware.

In terms of regulation of the profession in the surrounding jurisdictions, Virginia has a title act; the District of Columbia has a practice act; and Delaware, Pennsylvania, and West Virginia do not regulate the interior design profession.

Application and Renewal Fees in Line with Most Other States that Regulate Interior Designers

The certification fee structure has not changed since first established; it was based on the estimated number of interior designers who were anticipated to apply and qualify for certification and the expected costs of operating the board. Fees are determined by the board through regulation. The application fee in Maryland is \$50, and the initial certification fee is \$150.

Certificates are generally valid for two years and may be renewed, provided the certificate holder meets the continuing education requirements set by statute. The renewal fee is \$200. A reinstatement fee for lapsed certification is an additional \$50. As seen in **Exhibit 2.3**, Maryland fees for initial application, registration, and renewal in comparison to fees charged in other states fall at approximately the mid-point range. More comprehensive information on regulation of interior designers in other states can be found in **Appendix 1**.

Number of Certified Interior Designers Has Declined Since Board's Inception

When the certification law for interior designers was enacted in 1991, a "grandfather clause" was provided for applicants who had experience in interior design and who applied for certification within one year after July 1, 1991. The individuals who applied for certification under the grandfather clause were not required to pass the NCIDQ exam. The number of interior designers certified during the initial grandfathering period was 302.

Certification levels peaked in fiscal 1994 with 688 certificates issued that year, according to the Governor's Budget Book. The number of certified interior designers has declined significantly since then.¹⁷ It is difficult to assess actual trends in certification due to limited information maintained by the board. As of September 1, 2002, there were 288 certified interior designers in Maryland, and of the 302 grandfathered certified interior designers only 112, or 37 percent, have maintained their certification.

¹⁷On June 30, 1996, there were 500 certified interior designers in the State. After the July 1, 1996, completion of the issuance and renewal of certificates for the next two-year certificate term, there were only 364 certified interior designers in the State.

Exhibit 2.3
Fees in States that Regulate Interior Designers

<u>State</u>	<u>Application Fee</u>	<u>Registration Fee</u>	<u>Renewal Fee</u>
Alabama	n/a	\$50	\$50 annual
Arkansas	Application Packet \$20 Application \$140	\$75	\$100 annual
California	\$150 (CA exam fee \$100)	\$200	\$200 biennial
Connecticut	n/a	\$150	\$150 annual
District of Columbia	n/a	\$135	\$85 biennial
Florida	\$30	\$100	\$100 biennial
Georgia	\$50	\$200	\$200 biennial
Illinois	\$100	\$60	\$60 biennial
Louisiana	n/a	\$150	\$100 annual
Maine	n/a	\$120	\$120 biennial
Maryland	\$50	\$150	\$200 biennial
Michigan	n/a	One-time list fee \$20	n/a
Minnesota	n/a	\$120	\$120 biennial
Missouri	\$75	\$250	\$250 biennial
Nevada	\$25	\$125	\$150 annual
New Mexico	\$45, increasing to \$100	\$200	\$150, increasing to \$250 annual
New York	n/a	\$345	\$210 triennial
Tennessee	\$55	\$140	\$140 biennial
Texas	\$100	\$155	\$90 annual
Virginia	\$45	\$45	\$45 biennial
Wisconsin	Included in initial registration fee	\$53	\$53 biennial

Note: Registration encompasses both certification in states with title acts and licensure in states with practice acts.

Source: DLS telephone survey of states that regulate interior designers, July through August 2002

The reasons why interior designers have failed to maintain their certification are unclear. A bill analysis of the legislation enacted to modify continuing education requirements for certified interior designers (Chapter 670, Acts of 1997) indicates that the board canvassed a number of interior designers to learn why they were not renewing their certificates. The board learned that the interior designers considered the cost of renewal combined with the cost of continuing education to be exorbitant. These costs include approximately \$250 every two years for the continuing education units and \$200 every two years to renew the certificate.

In addition to the high cost of certification, there is speculation that members of the interior design profession believe that the certification provides nothing more than a credential. Many interior designers practice interior space planning and perform all of the functions of a certified interior designer without becoming certified. Although the board and the Department of General Services reached an agreement to include a certified interior designer as part of the design team in certain requests for proposals (RFPs) in Maryland, architects licensed in Maryland who have experience in performing interior design may perform such services under their architectural license.¹⁸ While it is becoming more prevalent, there is no statute or code at the federal level that mandates that an RFP require the use of a licensed or certified interior designer. Since certification is not mandatory and is not a requirement for doing business at either the State or federal level, there is evidence that many individuals working in the interior design profession choose to forego the expense of certification, which in turn limits the board's ability to regulate the practice of interior design.

Another factor contributing to the decline in certification could be the dominance of the professional associations in the promotion of the profession. As detailed in **Chapter 1**, two predominant professional associations represent the interior design profession, the ASID and the IIDA. These professional associations provide a number of services and outreach to members. In Maryland there are 259 ASID professional members¹⁹ and 83 IIDA professional members.²⁰ The board does not keep data on the number of certified interior designers who are also ASID and IIDA professional members, so there may be some overlap between those who are certified and those who are professional members of the ASID and the IIDA. Although some designers may be members of both the ASID and the IIDA, the combined professional membership in these two organizations is greater than the number of certified interior designers in the State.

¹⁸Letter dated May 13, 2002 from Stephen Parker, Chairman of the State Board of Architects and Allan Shaivitz, Chairman of the State Board of Interior Designers addressing the RFP requirement of using certified interior designers on certain State contracts.

¹⁹DLS telephone interview with Andy Knoll, ASID Headquarters, Washington, DC.

²⁰DLS telephone interview with Michael Hagedorn, IIDA Headquarters, Chicago, IL.

Continuing Education Requirement Unusual for Design Boards

The board and interior design professional associations view continuing education as an important component of their regulatory authority and the professional development of certified interior designers.

Prior to October 1, 1997, a certificate holder was required to obtain two continuing education units (CEUs). Since one CEU equals ten hours of study, a certificate holder had to obtain any combination of 20 hours of study in two or more board-approved courses. The board will approve a course for CEU if the material covered in the program aids in assisting the certified interior designer in protecting the health, safety, and welfare of the public. The current board-approved CEU courses are shown in **Appendix 5**.

Legislation passed in 1997 (Chapter 670, Acts of 1997) reduced the number of CEUs each certificate holder is required to complete from two to one. A certificate holder now is required to obtain any combination of ten hours of study in two or more board-approved courses. The board believed that lowering the required number of CEUs would reduce the amount of money a certificate holder must pay for CEUs and would encourage interior designers to renew their certificates and continue their professional development.

A certificate holder must confirm that the CEU requirement is completed by the time of renewal. Staff at DLLR advise that no certified interior designer has attempted to renew a certificate without obtaining the required CEUs. To help ensure that the confirmation required of those renewing their certificates is accurate, a certain percentage of all registrants who have indicated compliance are audited. The audited group is selected randomly and is sent a letter requesting that documentation regarding their continuing education activities be submitted to the board for review by the staff. If documentation is not complete, the application for renewal may not be granted.

Of the five design professions, only certified interior designers and land surveyors are required to complete continuing education courses as a condition of renewal. Land surveyors are required to demonstrate a minimum of 24 continuing professional competency (CPC) units in each two-year licensing term. A CPC unit equals one contact hour of instruction, presentation, or other activity as defined in regulation for a total of 24 contact hours. A bill introduced in the 2002 General Assembly would have required a licensed architect seeking renewal or reinstatement of a license to complete 12 hours of continuing education; however, the bill was not reported out of the House Economic Matters Committee.

It should be noted that Maryland, which has the "title act" system of regulation, has more stringent continuing education rules than three of the five "practice act" states. In fact, one state with a practice act has no continuing education requirement at all.

In addition to the CEUs that a certificate holder is required to obtain for renewal in Maryland, the IIDA also has a CEU requirement for its professional and associate members. The IIDA requires professional and associate members to take 1.0 CEU equal to ten hours of study. The IIDA's current compliance period is January 1, 2002 to December 31, 2003. The compliance period applies only to those who became either a professional or associate member prior to January 1, 2002. Individuals who became a professional or associate member after January 1, 2002, begin their first compliance period January 1, 2004. The ASID does not have a CEU requirement, although it does provide continuing education courses for members of the interior design profession.

Code of Ethics Provides Guidance for Actions of Certified Interior Designers

Board regulations establish a code of ethics for certified interior designers which governs their relationship with the public, their clients, other certified interior designers, and the profession. The Code of Ethics for certified interior designers in Maryland is analogous to the ASID Code of Ethics and Professional Conduct.²¹ The main difference between the two codes is found in the section dealing with contracts between clients. The Maryland code requires that, before entering into a written or verbal contact with a client, a certified interior designer must clearly determine and convey to the client the scope and nature of the project, the services to be performed, and the remuneration. The ASID code only requires that members' contracts with a client clearly set forth the scope and nature of the project involved, the services to be performed, and the method of compensation. The ASID code does not contain a requirement that these items be addressed before entering into the contract. This is a relatively minor distinction and aside from it, both codes delineate similar principles for ethics and conduct. Both the ASID and the IIDA have disciplinary authority over interior designers. The associations require members to abide by the code of conduct and ethical guidelines. Failure to follow these standards may result in loss of the ability to use the appellation and seal of the respective organization.

In interviews, DLS noted that board members and members of the design community take the ethical responsibilities of certified interior designers seriously. In addition, regulations (COMAR 05.16.18 – Historic Buildings) by the Department of Housing and Community Development recognize the authority of a licensed building

²¹Information on the IIDA Code of Ethics is not discussed because the IIDA Code of Ethics is only available to IIDA members.

contractor, electrician, plumber, mechanical contractor, or a certified interior designer to prepare required written reports pertaining to the modification of historic buildings as long as the subject matter of the report does not require an evaluation by an architect or engineer. According to personnel at DHCD, the local building code official makes the determination as to whether an evaluation by an architect or engineer is required.

Board Has Received No Complaints from Public; Disciplinary Authority Limited

The interior design board has the right to fine, reprimand, suspend, or revoke the certificate of a certified interior designer who obtains or uses the title fraudulently or deceptively or who violates the Code of Ethics. The Code of Ethics attempts to define broad standards of professional conduct for certified interior designers, and on the basis of this code, the board has the authority to hear complaints pertaining to the unprofessional practice of interior design by certified interior designers. However, the board has no authority to hear complaints of any kind concerning the practice of interior design by individuals who are not certified.

Board actions can result in an administrative penalty of up to \$5,000 per violation. The board can also refer violators to the Attorney General for civil action (injunction or restraining order) or to a criminal prosecutor for criminal action. An individual who loses certification would no longer be able to use the title "certified interior designer" and would lose the ability to sign and seal documents. However, if the board revokes the certificate of an interior designer, that individual may continue to offer the same interior design services without a certification from the State board.

Other than one complaint concerning a board decision not to grant "grandfather" status to a practicing interior designer, there have been no complaints filed with this board. While the current system purports to protect the public, it does not do so. Moreover, it is not clear that there is a need to protect the public.

Public Outreach Limited by Resources

The board appears to comply with the provisions of the Administrative Procedures Act. All meetings are open to the public. The State Board of Certified Interior Designers meets the second Wednesday of every other month. Notice of these board meetings is published in the Maryland Register and is available on the board's web site. Board meeting minutes are also available on the web site. However, the board generally has limited involvement with the public. Few members of the public attend the board's quarterly meetings.

The board's primary vehicle to increase public awareness is the Division of Occupational and Professional Licensing web site maintained by DLLR which includes a web page for the Board of Certified Interior Designers. The web site is used as a tool to help provide the public with a wide range of information regarding the board and its programs, including the ability to check a current listing of certified interior designers registered in Maryland. In addition, the public may reach the board through telephone, fax, email, and mailed correspondence.

Board members and staff are aware that there is a lack of public awareness of the practice of interior design and the role of the board in regulating the profession. The board has sought outreach documents from other states and has prepared material for brochures that could be distributed to the public through retail avenues and other outreach efforts including trade shows. However, board resources have not afforded the development and distribution of such documents. The board's executive director currently is working to have the content of the outreach documents included on the board web site.

Limited resources have prevented the board from regularly providing certificate holders and building code officials with a statutorily mandated semi-annual newsletter on the activities of the board. DLLR advises that, due to budgetary constraints, the last newsletter was published more than five years ago and included commentary on all five design boards. DLLR has no plans to publish and mail the semi-annual newsletter, although there are plans to post information about the board's activities on the web site. The lack of outreach to certificate holders and members of the general public, coupled with limited funding to provide such outreach, appears to have inhibited the board from attracting new professionals to become certified interior designers as well as making the public more aware of the regulation of the profession.

Cost of Certification High Because of Low Volume

Of the 21 boards and commissions at DLLR, all but two are supported by the general fund. For the two special fund boards, unspent money reverts to the general fund. The special fund for the Office of Cemetery Oversight is continuous and nonlapsing. All revenue collected by the board must be deposited into the general fund. Revenues are generated primarily through the collection of initial and renewal certification fees. As shown in **Exhibit 2.4**, the board's revenues are not sufficient to cover the cost of regulation, despite a high certification fee. **Exhibit 2.4** also shows that the board's revenues and expenditures have fluctuated greatly since fiscal 1998. These fluctuations reflect the introduction of staggered licensing in fiscal 1999. The reduced revenues in fiscal 2002 and 2003 reflect reductions in the number of certificate holders. Current appropriation levels are not adequate to fully support all aspects of the board, including the statutory requirement to publish a newsletter twice each year. In order to

operate within the boundaries established by law, the board cannot offer all services necessary to fund a fully functional program.

Current law requires statutory changes for certain occupational and professional licensing boards to increase fees. Among the design boards, the Board of Certified Interior Designers is able to set its own fees, while the Board for Professional Land Surveyors and the Board of Architects have their fees set in statute. In addition, the Board of Examiners of Landscape Architects and the Board for Professional Engineers set their fees for examination, renewal, and licensure, but fees for initial application and reinstatement are set in statute.

The General Assembly has a policy of regulatory boards being self-supporting but not charging more than necessary to maintain operations and cover direct and indirect costs. In fact, the enacting statute for the Board of Certified Interior Designers contained uncodified intent language requiring the board's revenues to cover its expenditures, but the board is no longer covering all the expenses attributed to it.

Exhibit 2.4

Fiscal History of the State Board of Certified Interior Designers Fiscal 1998 – 2003

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
Total Revenues	\$5,615	\$63,856	\$34,392	\$32,565	\$29,785	\$29,690
Total Costs	71,404	41,409	45,156	35,368	42,558	43,000
Direct Costs	45,681	26,349	29,402	19,526	19,060	19,500
Indirect Costs	25,723	15,060	15,754	15,842	23,498	23,500
Surplus/(Deficit)	(\$65,789)	\$22,447	(\$10,764)	(\$2,803)	(\$12,773)	(\$13,310)

Note: Fiscal 2003 figures are projected.

Source: Maryland Governor's Budget Books, Fiscal 1998 - 2002 and DLLR

Board Shares Staff with Other Design Boards

The board has one staff member, a secretary, who also provides assistance to the Board for Professional Engineers. The five design boards and the State Board of Pilots share an executive director and assistant executive director. In addition, the five design boards share an assistant Attorney General. All clerical, legal, and policy support is provided through DLLR. DLLR performs a number of key functions for the board. Applicants are screened to determine whether they have satisfied the minimum standards

of education and experience established by statute. Applicants who have demonstrated they possess at least the minimum qualifications are approved for the national standardized certification examinations. The board's staff also review applications for reciprocal registration and determine whether the applicants have satisfied the minimum criteria. A comprehensive program of certification renewal is conducted as well. Several areas of compliance are checked during certification renewal, including mandatory minimum continuing education requirements.

Included in the direct costs for the board are the partial salary of the board's secretary and partial salaries for the executive director and assistant executive director of the design boards. The indirect costs include costs shared by the entire Division of Occupational and Professional Licensing. According to the Deputy Commissioner of Occupational and Professional Licensing, the ongoing deficiency identified in this board's operation is inherent in a board that is supported by relatively few licensees or certificate holders. The fluctuation in the "deficit" is primarily attributable to fluctuations in the methodology by which DLLR had calculated indirect costs until 1999, when a consistent formula began to be applied. The disparity in revenues between 1998 and 1999 is attributable to the implementation of staggered licensing.

As shown in Exhibit 2.4, the board has not successfully generated enough revenue to cover the total costs attributed to it in four of the last five fiscal years, and it is not projected to do so in the current fiscal year. However, the board has been covering its direct costs since fiscal 1999. Also, since the appropriation for the board comes from the general fund and all revenue collected by the board is credited to the general fund, this board never actually operates with a deficit.

Interior Designers Pay Highest Fee of All Design Professionals in Maryland

As detailed in Exhibit 2.5, the Board of Certified Interior Designers has the highest initial fee for licensure/certification among the design boards. Landscape architects also have the same renewal fee of \$200. This is largely due to the fact that both of these boards have relatively few licensees compared to the other occupational and professional licensing boards at DLLR and are also the smallest boards in terms of licensees among the design boards.

The Board of Certified Interior Designers has the authority to increase fees to cover costs. The board has not done so in order to meet its statutory requirements because board members recognize that the fees are high, particularly when compared to the fees paid by other design professionals regulated by the State.

Exhibit 2.5
Fee Structure for DLLR Design Boards

	<u>Architects</u>	<u>Certified Interior Designers</u>	<u>Land Surveyors</u>	<u>Landscape Architects</u>	<u>Professional Engineers</u>
Original License/Certification	\$60	\$150	\$60	\$100	\$20
Application Fee	n/a	50	n/a	n/a	n/a
Renewal	20	200	60/40*	200	20
Reinstatement	100	50	100	100	100
Reciprocal License	100	150	60	100	100
Verification	10	0	10	0	10
Original Permit (Firm Permit)	25	n/a	150	50	n/a
Permit Renewal (Firm Permit)	30	n/a	150	50	n/a

*Property lines surveyors renew for \$40 every two years. New property lines surveyor licenses are no longer granted.

Note: Certificates, licenses, and permits are valid for two years.

Source: Department of Labor, Licensing, and Regulation and Department of Legislative Services

Special Funding of Occupational and Professional Licensing Boards Continues to Be a Question

The financial self-sufficiency of the boards and commissions in the Division of Occupational and Professional Licensing in DLLR has been an ongoing concern. Senate Bill 681 of 2001 would have created a special fund for the occupational and professional boards and granted the Secretary of Labor, Licensing, and Regulation the authority to set licensing and application fees to ensure that operating expenses did not exceed revenues. This bill was designed to eventually eliminate these boards' need for general funds. The legislation passed the Senate but received an unfavorable report by the House Economic Matters Committee. Even if the bill had been enacted, the legislation alone would not have solved the problem related to the funding of the boards. To ensure self-sufficiency, DLLR needs to be able to raise fees. For the Board of Certified Interior Designers, this across-the-board special funding of occupational and professional licensing boards would result in a minimum renewal fee increase of \$105, raising the fee to \$305.

DLLR has started, for internal purposes, to "cluster" its boards so that similar types of professions could move toward charging a normalized fee and have similar enforcement authority over licensees and certificate holders. **Exhibit 2.6** includes estimates from DLLR on the impact that special funding would have on the fees for all occupational and professional licensing boards as well as the impact of fees if the boards were clustered for the purpose of funding and the sharing of resources. This clustering

Exhibit 2.6

Schedule of Occupational and Professional Licensing Fee Adjustments to Achieve Self-Sufficiency

<u>Board or Commission</u>	<u>Current Fee (As of April, 2001)</u>	<u>Proposed Fee (As of April, 2001)</u>	<u>Proposed Fee Without Office of Administrative Hearing Costs</u>
Architects	\$20	\$65	
Certified Interior Designers	200	305	
Landscape Architects	200	200	
Land Surveyors	40/60	250	
Professional Engineers	20	40	
Cluster of Design Boards		65 per license/certificate issued by each of the five boards	
Examining Engineers	30	50	
Heating, Ventilation and Air Conditioning	10/20/25/75	20/35/65/210	
Master Electricians	25	60	
Plumbing	15/35/70	25/55/120	
Real Estate	45/65/95	75/95/125	\$65/85/115
Real Estate Appraisers	75/100 (3 year license)	150/275	
Barbers	50/50	50/75	
Cosmetology	25/50	35/50	
Home Improvement Commission	75/125/225	125/250/500	125/200/300
Certified Public Accountants	20/40	25/45	
Bay Pilots	60/300	400/200	
Precious Metal Dealers	75	350	
Foresters	200	275	

Source: Department of Labor, Licensing, and Regulation

approach would also be used to ensure that costs for all similar boards, in the aggregate, were covered by their revenues, in the aggregate.

Currently, the Board of Law Examiners has a statutory ceiling for fees, but the General Assembly has allowed the board to retain flexibility with regard to the fees it charges below the ceiling. If the Court of Appeals determines that it needs to charge fees that are in excess of the statutory ceiling, the court would have to request a legislative change. This statutory ceiling is an option that could be considered as the design boards move toward clustering and special fund status.

Presently, DLLR uses indirect cost allocations for internal budget and management purposes only. That is because DLLR is not authorized by statute to charge the full costs of operating the boards and commissions to the appropriation for DLLR. Specifically, the costs of support services provided by other DLLR units are absorbed in the budgets of those units rather than being charged to the boards and commissions.

As required by a 2001 *Joint Chairmen's Report* item, the Office of Legislative Audits (OLA) reviewed DLLR's cost allocation plan and explored the use of other methods of cost allocation. The department's cost allocations are prepared for management and budget informational purposes only. That is because the full costs of operating the boards and commissions are not charged to their appropriations. Specifically, the General Assembly has been concerned about the cost of support services provided to the boards and commissions by other department units, and how these costs are absorbed in the budgets of those units. In September 2001, OLA issued a performance audit report on DLLR's method for allocating support service costs (indirect costs) to its occupational and professional licensing boards and commissions. Although the audit found that DLLR's cost allocation methodology was reasonable, the auditors concluded that, until certain improvements were made, the methodology would not provide a reliable basis for determining the full cost of operating the boards and commissions or their individual financial self-sufficiency. This methodology should be monitored and adjusted, particularly as boards are clustered and as the General Assembly moves toward promoting the self-sufficiency of the boards.

In May 2001, the chairmen of the five design boards wrote a letter to the Secretary of Labor, Licensing, and Regulation requesting that the boards be used as a pilot for special fund legislation.²² The goal, according to the board chairmen would be to:

- provide for a cluster of five design boards;

²²Letter from Stephen Parker, Chairman, State Board of Architects, Allan Shavit, Chairman, State Board of Certified Interior Designers, John Slater, Chairman State Board of Examiners of Landscape Architects, Melvin Hotz, Chairman, State Board for Professional Engineers, and Dr. Charles E. Maloy, Chairman, State Board for Professional Land Surveyors to John P. O'Connor, Secretary, DLLR, May 29, 2001.

- provide a special fund for the design boards' cluster;
- give all of the design boards that do not currently have it the authority to set reasonable fees; and
- provide for other mechanisms and safeguards that would have been established by Senate Bill 681.

The chairmen indicated in their letter that they believed that the design boards represented the best possible group of boards to serve as the pilot for such a project, since they already have an established group of leaders who meet on a regular basis in the Joint Chairs' Committee.

In the survey conducted by DLS of other states that regulate the interior design profession, only five states and the District of Columbia fund their interior design boards with general funds. One of the five states, Texas, is in the process of converting from general to special funds, where licensing fees would cover the cost of regulation. As professional groups across the country seek recognition and regulation by state agencies, government regulators are moving toward requiring the professionals that are seeking regulation to cover the state's expense of managing the certification, outreach, and discipline that goes along with establishing a state board.

Chapter 3. Conclusions and Recommendations

Sunset the State Board of Certified Interior Designers

The purpose of regulating professionals by State boards is to protect the health, safety, and welfare of the public from the unregulated practice of a profession. However, regulation of certified interior designers is unnecessary as the interior design services offered by certified interior designers present no risk of serious injury or financial damage to the public. Moreover, the Maryland Certified Interior Designers Act only protects those members of the public who engage the services of one of the 288 certified interior designers in the State. Consequently, the Department of Legislative Services (DLS) finds that:

- **The current title act benefits individuals who are certified interior designers under State law but does not provide substantial benefit to the public.** Interior design services may be provided by any individual regardless of their level of education, experience, ongoing training, or ability to pass a national examination. Because there are no restrictions on who may provide interior design services, the Maryland Certified Interior Designers Act only exists to provide the professional credential of "certified interior designer." Other design professionals with practice acts in Maryland are able to provide interior design and space planning services. However, they are regulated because of the other services they provide. Architects, for example, are able to provide comprehensive space planning services; they are also able to move load-bearing walls and provide advice about exterior space planning, neither of which is within the definition of interior design services. Furthermore, the lack of public awareness about the current regulation of the profession makes the certification of interior designers through a title act unnecessary to assure meaningful public protection for individuals shopping for and securing interior design services in the marketplace.
- **Both the American Society of Interior Designers (ASID) and the International Interior Design Association (IIDA) offer members a recognized credential and may take disciplinary action against members.** The requirements for professional membership in the ASID and the IIDA mirror the current requirements for certification in Maryland, including the requirement that members pass the National Council of Interior Design Qualification (NCIDQ) examination. The appellation ASID and IIDA is used to promote an interior designer's education and experience in the interior design profession and to the public. In addition, the ASID offers privileges similar to those sanctioned by State law, such as the ability to sign and seal documents. Both the ASID and

the IIDA offer continuing education opportunities, industry newsletters, conferences, and business development advice, none of which is provided by the board. Given the lack of complaints in Maryland, the need for disciplinary action is not clear; nevertheless, the ASID and the IIDA both have the ability to discipline members. The ASID and the IIDA may rescind a member's privileges by prohibiting use of the appellations. In addition, the ASID may revoke a member's use of the ASID professional member seal.

- **The board has received no complaints from the public; there is no evidence of a need for discipline.** The board has handled only one complaint in ten years, and this complaint concerned a board decision not to grant a certificate to a practicing interior designer because the individual did not meet the deadline for certification under the grandfather clause. The board has not received complaints from the public regarding the professional practice of any certified interior designer.
- **The board has been unable to maintain the number of certified interior designers regulated in Maryland; almost 40 percent of current certificate holders did not have to satisfy education, examination, and experience requirements.** Nearly two-thirds of the grandfathered certified interior designers have not maintained their certification since it was granted to them ten years ago. In addition, more than one-half of the interior designers who became certified after the grandfathering period have not maintained their certification. While completion of a degree from a nationally accredited school is not a requirement for certification in Maryland, there is no nationally accredited school of interior design in Maryland, which further limits the growth and development of the profession in the State. Moreover, because interest in becoming certified is low, the expense of running the board for only 288 certified individuals is high as is the cost of certification. While the board currently covers its direct costs, it has not covered all expenses attributed to it since fiscal 1999 and is not projected to do so in fiscal 2003.

Recommendation 1: The General Assembly should repeal the State Board of Certified Interior Designers. Any subsequent references that exist in the Maryland Annotated Code as a result of this profession being certified should also be repealed. In addition, the General Assembly should adopt legislation that allows for the phase out of certification for current certificate holders.

Alternative Recommendations

If the General Assembly chooses to adopt legislation providing for the continuation of the State Board of Certified Interior Designers, DLS makes several recommendations for the future operation of the board.

Do Not Expand Scope of the State Board of Certified Interior Designers

The Board of Certified Interior Designers is scheduled to terminate on July 1, 2004. If the General Assembly chooses to continue protecting the title "certified interior designer," then the termination date of the board will need to be extended. As interior design services offered by certified interior designers do not present a serious risk to the health, safety, and welfare of the public, the Maryland Certified Interior Designers Act should remain a title act.

Recommendation 2: The General Assembly should extend the termination date for the Board of Certified Interior Designers to July 1, 2014, and clarify in statute who may provide "interior design services." Additionally, uncodified language should be adopted requiring the board to report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, on or before October 1, 2003, on the implementation of the recommendations contained in this sunset evaluation report.

Board Should Have Term Limits for Members

Currently, two of the seven professional members of the board have served on the board since its inception. This static professional membership could make the board resistant to change. Implementing term limits would open more slots for individuals willing to serve and enhance accountability. Some continuity within the board is important for it to run efficiently; however, because terms expire on a staggered basis, continuity among membership would continue even if term limits were established. Eight of the 21 DLLR occupational and professional licensing boards have term limits in place for board members.

Recommendation 3: The General Assembly should adopt term limits for members of the board and board officers and may wish to consider adopting term limits for the other design boards as well.

Joint Chairs' Committee Should Be Formalized

The 2000 preliminary sunset reviews of other design professionals recommended improvement and reporting to the General Assembly on the status of communication with the other design boards, specifically in the forum of the informal Joint Chairs' Committee. As noted in Chapter 2, the design boards have taken steps to enhance communication by establishing an informal Joint Chairs' Committee. According to board members, staff, and board counsel, the committee has been successful in developing a consensus on regulatory and legislative issues that arise between the design boards. Given the territorial nature of the design boards due to overlapping scopes of

practice, the Joint Chairs' Committee should not only continue, but should be codified in the Business Occupations and Professions Article.

In the follow-up reports to the preliminary evaluations of the State Board of Architects and the State Board of Examiners of Landscape Architects, both boards rejected the DLS recommendation to formalize the Joint Chairs' Committee citing the concern that formalizing the meetings would alter the spontaneity and productivity of the group. DLS recognizes the boards' concern, but notes that, while the Joint Chairs' Committee has been amenable to meeting on an ad hoc basis to discuss issues of common concern among the design professions, there is no guarantee that future board chairmen will continue this practice.

Recommendation 4: The General Assembly should make statutory changes that require the chairmen of the five design boards to meet at least annually to discuss matters of importance to the design professions.

Public Outreach Program Needs to Be Strengthened

As discussed in **Chapter 2**, there is a lack of public awareness concerning the services offered by certified interior designers. The lack of distinction between the titles used by members of the interior design profession may be confusing to an individual attempting to make decisions regarding design and planning services. If the General Assembly elects to continue with the regulation of certified interior designers, the public and members of the design community need more information about the laws that regulate interior designers and the services they offer. The program should be designed to reach consumers and provide them with information that will empower them to make decisions regarding design services and the professionals offering these services.

Recommendation 5: The General Assembly should require the board to establish a program to provide information regarding interior design programs to registrants, applicants, building officials, schools of interior design, and the general public. This should be achieved through improvements and additions to the board's existing web site and in the development of promotional materials that are made available to the public upon request. The General Assembly should also make a statutory change to require DLLR to prepare a joint newsletter for all five design boards that is published semi-annually on the DLLR web site.

Special Funding of Design Boards Should Be Implemented as a Pilot Program

During the 2001 session, legislation was considered to establish a special fund for all of the DLLR professional licensing boards. Current funding resources are not adequate to achieve the statutory requirements for the Board of Certified Interior Designers, and the fees among the design professionals should be normalized. The special funding legislation did not pass the General Assembly, though the possibility of implementing such a system continues to be of interest to senior staff at DLLR. In support of the implementation of such a pilot project, DLS notes that the apparent cooperation and work of the Joint Chairs' Committee would lend support and direction to a special fund effort for the clustering of the design boards.

Recognizing that the General Assembly has asked the Office of Legislative Audits to examine the accuracy and reliability of DLLR's cost allocation method for the indirect costs for its boards and commissions, DLS believes that if the board is continued, a pilot project, rather than implementation of special fund status for all of the occupational and professional licensing boards will give the General Assembly the opportunity for periodic review and audit of these five boards. In order to implement special funding for all of the design boards, some of the fees for design professionals will increase, while others will decrease.

Recommendation 6: The General Assembly should require DLLR to establish a pilot project to be implemented that requires the five design boards to be special funded after DLLR has demonstrated to the budget committees and the Legislative Auditor that its allocation of direct costs is accurate and complete for these boards. Additionally, the five design boards should be required to report annually to the General Assembly on the status of the implementation of the special fund pilot project.

Board Should Maintain Better Records

The board currently maintains statistics on the number of certificates issued on a monthly basis. However, the board does not know the total number of interior designers who are certified in Maryland at any time. Limited information on historical trends in certification is available. The board needs to maintain better records, particularly if it becomes special funded. Knowledge of licensing trends will be critical in setting fees at a level sufficient to cover costs.

Recommendation 7: The board should improve its record keeping related to the number of regulated interior designers.

Appendix 1. Regulation of Interior Designers in the United States

State	Initial Fee	Title or Practice Act	Continuing Education	Regulating Entity	Renewal Fee	Funding Status of Regulating Body
Alabama	\$50	Practice	Yes – 12 hours per year, 8 of which are related to health, safety, and welfare.	Alabama State Board of Registration of Interior Designers	\$50 per year.	Special Funded
Arkansas	Application packet fee is \$20. Application fee is \$140. Initial registration fee is \$75.	Title	Yes – 5 hours per year.	Arkansas Board of Registered Interior Designers	\$100 per year.	Special Funded
California	Application fee is \$150. California examination fee is \$100. Initial registration fee is \$200.	Title	Yes – 10 hours every 2 years.	California Council for Interior Design Certification	\$200 every 2 years.	Special Funded
Colorado*	N/A	N/A	N/A	Board of Architects	N/A	Funded by Board of Architects

State	Initial Fee	Title or Practice Act	Continuing Education	Regulating Entity	Renewal Fee	Funding Status of Regulating Body
Connecticut	\$150	Title	No.	Commissioner of Consumer Protection	\$150 per year.	General Funded
District of Columbia	\$135	Practice	Yes – 5 hours every 2 years.	Washington DC Board of Architecture and Interior Design	\$85 every 2 years.	General Funded
Florida	<p>Application fee is \$30 plus a \$100 registration fee.</p> <p>Interior design and architectural firms must also register with the state. The fee is \$100.</p> <p>There is also a \$5 fee to "combat unlicensed activity." This fee is payable upon renewal and initial application.</p>	Practice	<p>Yes – 20 hours every 2 years. A minimum of 16 hours must be in technical and professional subjects related to safeguarding life, health, property, and promoting the public welfare.</p> <p>Continuing education providers are also licensed by the state.</p>	Florida Board of Architecture and Interior Design	<p>\$100 every 2 years.</p> <p>There is also a \$5 fee to "combat unlicensed activity." This fee is payable upon renewal.</p>	Special Funded

State	Initial Fee	Title or Practice Act	Continuing Education	Regulating Entity	Renewal Fee	Funding Status of Regulating Body
Georgia	Application fee is \$50. Initial registration fee is \$200.	Title	Yes – 12 hours is required every 2 years.	Georgia Board of Architects and Interior Designers	\$200 every 2 years.	Special Funded
Illinois	Application fee is \$100. Initial registration fee is \$150.	Title	No.	Board of Interior Design Professionals	\$60 every 2 years.	General Funded
Louisiana	\$150	Practice	Yes – 5 hours every 2 years.	Louisiana State Board of Examiners of Interior Design	\$100 per year.	Special Funded
Maine	\$120	Title	No.	Board of Architects, Landscape Architects, and Interior Designers	\$120 every 2 years.	Special Funded
Maryland	Application fee is \$50. Initial registration fee is \$150.	Title	Yes – 10 hours in 2 or more courses every 2 years.	Board of Interior Designers	\$200 every 2 years.	General Funded

State	Initial Fee	Title or Practice Act	Continuing Education	Regulating Entity	Renewal Fee	Funding Status of Regulating Body
Michigan**	\$20 flat fee to be on list.	Title, though registration is not required.	No.	Board of Architects; also advisory committee on interior design within the board.	N/A	Funded by Board of Architects
Minnesota	\$120	Title	Yes – 24 hours every 2 years.	Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design	\$120 every 2 years.	Special Funded
Missouri	Application fee is \$75. Initial registration fee is \$250.	Title	Yes – 10 hours every 2 years.	Missouri Interior Design Council	\$250 every 2 years.	<p>Specially funded with other occupational professional licensing boards through license fees.</p> <p>Other boards lend money to a board that needs money. The interior design board has borrowed money from other boards.</p>

State	Initial Fee	Title or Practice Act	Continuing Education	Regulating Entity	Renewal Fee	Funding Status of Regulating Body
Nevada	<p>Application fee is \$25.</p> <p>Initial registration fee is \$125.</p> <p>Purchase of stamp is \$15.</p>	Practice	No.	Nevada State Board of Architecture, Interior Design and Residential Design	\$150 per year.	Special Funded
New Mexico	<p>Application fee of \$45, increased to \$100 as of 10/23/02.</p> <p>Initial registration fee is \$200.</p>	Title	Yes, 8 hours per year.	New Mexico Board of Interior Design	<p>\$150 per year, increased to \$250 as of 10/23/02).</p> <p>Late renewal fee is \$50, increased to \$100 as of 10/23/02).</p>	Special Funded
New York	\$345	Title	No.	New York State Education Department -- Board of Interior Design	\$210 every 3 years.	Special Funded

State	Initial Fee	Title or Practice Act	Continuing Education	Regulating Entity	Renewal Fee	Funding Status of Regulating Body
Tennessee	Application fee is \$55. Initial registration fee is \$140.	Title	Yes, on renewal, licensee must have 24 hours every 2 years with 13 hours in health, safety, and welfare or technical competency. May carry forward 12 hours.	Tennessee Board of Architectural and Engineering Examiners	\$140 every 2 years.	Special Funded
Texas***	Application fee is \$100. Initial registration fee is \$155 in-state or \$180 out-of-state.	Title	Yes – 8 hours per year with 1 hour in an ADA course.	Texas Board of Architectural Examiners	In-state renewal is \$90 per year. Out-of-state renewal is \$185 per year.	General funded, but is currently being phased into a special fund, where all license fee revenues must cover expenses.

State	Initial Fee	Title or Practice Act	Continuing Education	Regulating Entity	Renewal Fee	Funding Status of Regulating Body
Virginia	Application fee is \$45. Initial registration fee is \$45.	Title	No.	Virginia Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects	\$45 every 2 years).	Special Funded
Wisconsin	Application/initial registration fee is \$53.	Title	Yes, 9 hours every 2 years.	There is no board, only direct registration, which is handled by the Wisconsin Division of Board Services	\$53 every 2 years.	Special Funded

*In Colorado, legislation was enacted in 2001 that "does not prevent" an interior designer from preparing interior design documents to obtain approval for a building permit as provided by law from the appropriate city, city and county, or regional building authority, which may approve or reject any such filing in the same manner as for other professions.

**Michigan has a database called the interior designer qualification list. In order to be placed on this list, the interior designer must have passed the NCIDQ exam or may be allowed to be included on the list based on experience as an interior designer, under special review by the advisory committee.

***Texas is considering regulating interior design firms.

Note: Registration encompasses both certification in states with title acts and licensure in states with practice acts.

Source: Department of Legislative Services telephone survey of states that regulate interior designers, July through August 2002

Appendix 2. ASID Professional Member Seal Order Form

ASID

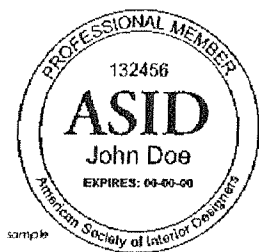
American Society of Interior Designers

Seal Order Form

Order Today

The Competitive Advantage. The ASID professional member seal gives you the competitive advantage. This seal on your documents tells your clients that standing behind you is a professional organization that offers continuing education, access to industry resources and up-to-date information on a variety of subjects ranging from research findings to legislative issues. This seal also tells Industry Partners that you make purchasing decisions based on the professional standards adhered to by all ASID members. Available only to ASID professional members, the seal includes your name, membership ID number and the seal expiration date. The seal is good for two years.

COST: \$50.00



Member Name *(Name will appear on stamp exactly as listed above)*

Member ID #

Company

Address

City

Telephone

Fax

☐ Please send me information about ASID contract documents

☐ Check

☐ Visa

☐ MasterCard

Card or Check #

Signature

Expiration Date

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